

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Dustin M. Hart,)	
)	C/A No.: 2:04-1415-MBS-RSC
Petitioner,)	
)	
vs.)	
)	
James G. Roche, Secretary of Air Force;)	
Colonel Brooks L. Bash, USAF,)	
Commander, 437 th Airlift Wing; and)	
Lieutenant Colonel William Y. Rupp,)	O R D E R
USAF, Commander, 437 th Maintenance)	
Squadron,)	
)	
Respondents.)	
)	

Petitioner Dustin M. Hart, who is represented by counsel, filed a petition for writ of habeas corpus on May 5, 2004, alleging that he was being detained unlawfully by Respondents James Roche, Brooks Bash, and William Rupp. See 28 U.S.C. § 2241.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. On May 27, 2005, Petitioner, through counsel, filed a motion for voluntary dismissal. Respondents did not object to the motion. On June 16, 2005, the Magistrate Judge filed a Report and Recommendation in which he recommended that the within action be dismissed with prejudice. No party filed an objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

It appears Petitioner no longer wishes to pursue this action. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. For the reasons stated, the case is dismissed *with prejudice*.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

June 28, 2005

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.